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BY ELECTRONIC CASE FILING

Honorable Joanna Seybert
United States District Court Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722-9014

Re: *McCune v. County of Suffolk, et al.*
Docket No.: 2:14-CV-04431 (JS)

Dear Judge Seybert:

As your records will reflect, we are the attorneys for the Plaintiff in the above referenced matter. We write in response to Your Honor's Order to Show Cause and the letter filed this day by Ms. Zwilling. We had anticipated that our conversation with Ms. Zwilling today would have been included in the letter from Defendants as we provided counsel with our position. Since it was not, we respectfully provide the Court with our position.

As we informed Defendants, we do not see any reason why this matter should not be referred for mediation. This matter has been going on for some eight (8) years and has accumulated a record that demonstrates that Mr. McCune was subjected to wrongful, abusive and excessive force by Defendants. The issues of liability are only overshadowed by the serious injuries caused by Defendants. Contrary to the statements of Defendants, the litigation of this matter will likely result in a large verdict and increased attorney's fees. To not take an opportunity to discuss settlement for the reasons asserted by Defendants appears counterintuitive.

We remain ready and willing to engaged in mediation in good faith. We thank the Court for its kind consideration.

Respectfully submitted,
Frederick K. Brewington
FREDERICK K. BREWINGTON

cc: Arlene S. Zwilling, Esq. (via ecf)
FKB:pl